

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN M. REGAN, JR.,

Petitioner,

DECISION AND ORDER

08-CV-6071L

v.

BRIAN FISCHER,
as Commissioner of the New York State
Department of Correctional Services,
NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES,
WILLIAM M. POWERS,
as Superintendent of the Albion Correctional Facility,
NEW YORK STATE ATTORNEY GENERAL,

Respondents.

By Order entered May 30, 2008 (Dkt. #6), this Court dismissed the petition. Petitioner, a lawyer, neglected or failed to file an appeal. Now, petitioner moves to vacate this Court's order dismissing the petitioner and reinstate it. That motion (Dkt. #8) was filed October 20, 2008.

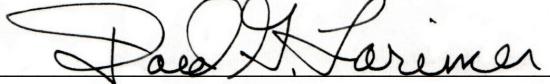
In spite of the *ad hominem* arguments and other irrelevant material, the motion is essentially one for reconsideration. Although styled as a motion under FED. R. CIV. P. 60(b), it is a request for reconsideration and such a motion is not to be used as a substitute for appeal.

In any event, nothing set forth in the pending motion suggests any reason to alter, amend or vacate the decision to dismiss the petition, which was entered May 30, 2008.

CONCLUSION

The motion (Dkt. #8) filed October 20, 2008, is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
November 6, 2008.